IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17663 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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BINABEN JAYVANTBHAI PAREKH

Versus

STATE OF GUJARAT

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Appearance:

1. Special Civil Application No. 17663 of 2003

MR JASWANT SHAH for MR ASHISH H SHAH for Petitioner No. 1

MR HD DAVE, ASST. GOVERNMENT PLEADER for Respondent No. 1

..... for Respondent No. 2

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CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 19/03/2004

ORAL JUDGEMENT

Rule. Service of rule is waived by learned AGP

Shri H.D. Dave for the respondents. At the request of the learned advocates, the petition is finally heard today.

2. The grievance, which the petitioner has ventilated in the petition, is with regard to non-receipt of compensation in respect of her surplus land, possession of which was taken by the government authorities under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (hereinafter referred to as 'the Act').

3. Learned advocate Shri Jaswant Shah appearing for the petitioner has submitted that land admeasuring 21,938 sq.metres was declared surplus under an order dated 26.10.1993 passed under the provisions of the Act. The petitioner was to be paid, in all, a sum of Rs. 1,09,691.55 in respect of the said land. Out of the said amount, a sum of Rs. 24,691.55 was to be paid in cash, whereas the remaining amount of Rs. 85,000/- was to be paid in the form of Bonds maturing after 20 years.

4. The grievance of the petitioner is that neither any bond nor cash has been given to her till today.

5. When this matter was placed before this court, by an order dated 15.3.2004, the respondent authorities were directed to deposit the amount, which was payable according to the government authorities, and in pursuance of the said order, a sum of Rs. 24,691/- has been deposited by the respondent authorities with this court. It has been submitted by the learned AGP that bonds for the amount of Rs. 85,000/- shall be issued to the petitioner as soon as possible.

6. It appears from the record that some correspondence had been exchanged between the petitioner and the government authorities in relation to payment of the aforestated amount, but the fact remains that the petitioner has not been paid the amount of cash till today without there being any fault on her part.

7. The petitioner was deprived of her land in 1988 and till today if she has not been adequately compensated, it becomes the duty of the government authorities to compensate the petitioner for the loss of interest suffered by her.

8. Looking to the aforestated facts, so as to compensate the petitioner, it is directed that the petitioner shall be paid interest at the rate of 9% p.a.

on Rs. 24,691/- with effect from 1.1.1994. The amount of interest shall be paid to the petitioner as soon as possible and preferably within 3 months from the date of receipt of this order.

9. Learned AGP Shri Dave has submitted that the Bond for the eligible amount shall be issued to the petitioner as soon as possible. Accordingly, it is directed that a sum of Rs. 85,000/- shall be paid to the petitioner by way of bond, as agreed by the government, as soon as possible.

10. The petitioner is permitted to withdraw the amount deposited with this court. The amount shall be paid by the Registry of this court to the petitioner or her advocate by an account payee cheque drawn in the name of the petitioner.

11. In view of the above order, the petition stands disposed of as allowed. Rule is made absolute with no order as to costs. D.S. permitted.

(A.R. Dave, J.)

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